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are told that "Montesquieu was the first of the moderns to proclaim that a nation's institutions are part of its history" (p. 174). In dealing with Edward I.'s Statute of Wales it would have been better to explain that the king's object was an administrative adjustment rather than a question of title. Maine was undoubtedly mistaken in his exposition of Rousseau's theory as to the state of nature: his editor might have done better to illustrate the point by quotations, the following being suggested: "The passage from a condition of nature to a civil condition has produced in man a very remarkable change, in substituting justice for instinct as his rule of conduct, and in lending to his actions morality which previously they lacked" (Rousseau, *Homme Civil*).

Both author and editor have much that is valuable to say on the benefit that the historian may derive from the study of law, and the lawyer from the study of history.

R. M. J.

PROCEEDINGS OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION. Held at Chicago, Ill., December 28 to 30, 1904. Lancaster, Pa.: Wickersham Press. 1905. pp. 249. 8vo.

The work of this newly organized association at its first annual meeting was divided among standing committees, each of which was entrusted with consideration of one of the following topics: Comparative Legislation; Comparative Jurisprudence; International Law and Diplomacy; Administration; Constitutional Law; Politics and Political Theory. The volume of reports contains an unusually large number of valuable essays and discussions concerning public questions of present-day interest. Among the papers dealing more specially with legal problems may be mentioned: The Relation of the Executive to the Legislative Power, by James T. Young; The Beginnings of War, by Theodore S. Woolsey; Unneutral Service, by G. G. Wilson; Contraband of War, by Henry Pratt Judson; Government Interference with Industrial Combinations, by E. B. Whitney; The Regulation of Railway Rates, by Martin A. Knapp; Tendencies in the Law of Taxation of Railways, by H. C. Adams.

CRIMINAL RESPONSIBILITY. By Charles Mercier. Oxford: At the Clarendon Press. 1905. pp. 232. 8vo.

This is a little essay by an earnest and intelligent physician on an extremely difficult and intricate portion of the criminal law. The author does not make the mistake, almost universal among physicians who enter this field, of confounding insanity and irresponsibility; he seeks for responsibility where it belongs, in blameworthiness rather than in normal health. But his ignorance of law leads him to the most astonishing generalizations. For instance, he judges "wrong" by "the magnitude of the benefit gained by the actor in proportion to the harm suffered by the victim; the greater this proportion, the less the wrong" (page 72). Responsibility, on the other hand, depends upon the selfishness of the motive. "He must desire primarily to obtain his own gratification by means of the act" (page 155). "If the things stolen are given away, as they sometimes are, to strangers or tramps, and if we cannot find a motive of causing pain or injury to the person robbed, we conclude that, for an injurious act which displays no motive of self-gratification, no responsibility is incurred" (page 156). A test of responsibility which would leave Robin Hood and the Chicago Anarchists unpunished while it would hold accountable the man who selfishly defends himself or his property, is a test which is obviously of no use to lawyers, however interesting the controversy into which it may lead "alienists." Mr. Mercier provides in a way for self-defense by treating it as a case of *provocation*, but defense of property appears to be beneath his notice.

J. H. B.